

# 6. Biological Resources

## 6.1 BACKGROUND AND CONTEXT

Biological resources include plant and animal species and their habitats, plant communities and ecosystems. A preliminary assessment (see Section 6.3) and, if necessary, an *Initial Study Biological Assessment (ISBA)*, or *Coastal Initial Study Biological Assessment (CISBA)* (see Sections 6.3.4) shall be conducted prior to assessing impacts to *sensitive biological resources* in accordance with the thresholds of significance specified in Section 6.2 below.

### 6.1.1 Sensitive Biological Resources in the Non-Coastal Zone

Projects in the non-coastal zone that may have a significant impact on *sensitive biological resources* must be reviewed pursuant to the California Environmental Quality Act (CEQA). The thresholds of significance and process guidance shall be followed to ensure environmental review of biological resources in the non-coastal zone is consistent with CEQA.

### 6.1.2 Sensitive Biological Resources in the Coastal Zone

*Environmentally Sensitive Habitat Areas (ESHA)* in the coastal zone are protected under the California Coastal Act against any significant disruption of habitat values, and only uses dependent on those natural resources are generally allowed within those areas. In addition, development in areas adjacent to *ESHA* (including parks/recreation areas) are required to be sited and designed to prevent *indirect impacts* and be compatible with the continuance of habitat (or those parks/recreation) in these areas.

In September 2022, the California Coastal Commission (“Commission”) certified a comprehensive set of amendments to the Ventura County Local Coastal Program (LCP) related to *ESHA* and other *sensitive biological resources* within the coastal zone. The certified amendments updated definitions, identified development standards, clarified compensatory mitigation requirements, and established permit approval findings for projects that could adversely impact those resources.

The Ventura County LCP was certified by the Commission pursuant to Public Resources Code (PRC) Section 21080.9, which exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program, and authorizes the Commission to certify the LCP as a plan for use in the Commission’s regulatory program pursuant to PRC Section 21080.5. The Commission’s review and approval of LCPs, including the Ventura County LCP, have been found by the Natural Resources Agency to be functionally equivalent to the EIR process under PRC Section 21080.5.

Pursuant to State CEQA Guidelines Section 15183, a project may be exempt from further environmental review if it is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except where necessary to examine whether a project could have significant effects which are peculiar to the project or its site (see Section 4.7.2 of the Ventura County CEQA Implementation Manual). Given that the Ventura County LCP was certified by the Commission pursuant to PRC Section 21080.9, State CEQA

Guidelines Section 15183 may be particularly suited for a project that may otherwise be exempt from CEQA, but which may have the potential to have an adverse impact on *ESHA* and other *sensitive biological resources* in the coastal zone.

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR (the Commission's functionally equivalent analysis), or can be substantially mitigated by the imposition of uniformly applied development policies or standards (e.g., the LCP policies on *ESHA* and other *sensitive biological resources*), then an additional EIR or Mitigated Negative Declaration (MND) need not be prepared for the project solely on the basis of that impact.

## 6.2 THRESHOLDS OF SIGNIFICANCE

The determination of significance shall be made on a case-by-case basis and evaluated using the following thresholds of significance as specified below.

**BIO-1** A project may have a significant impact on a plant or animal species if it would result in one or more of the following (see Section 6.4.1 for additional guidance):

- a. Reduces the population of a *special-status species* through any of the following ways, causing the population to decline substantially or drop below self-sustaining levels:
  - Loss of one or more individuals, occupied habitat or critical habitat designated by the U.S. Fish and Wildlife Service (USFWS) of a species officially listed as *endangered*, *rare*, or *threatened*, a *candidate species*, or a *fully protected species*.
  - Impacts that would eliminate or threaten to eliminate one or more *element occurrences* of a *special-status species* not otherwise listed under the federal Endangered Species Act or California Endangered Species Act, or as a *candidate species* or *fully protected species*.
  - "Take" of birds protected under the California Fish and Game Code (Sections 3503.5, 3511, and 3513) and the federal Migratory Bird Treaty Act, as "take" is defined in the Fish and Game Code and the Migratory Bird Treaty Act.
  - Substantial reduction in the habitat of a *special-status species*.
- b. Threatens the viability of the habitat of a *special-status species* through impacts associated with construction, operational, and/or maintenance activities.
- c. Isolates or restricts a *special-status species* from resources necessary for its reproductive capacity or survival.
- d. Fragments a habitat and/or critical ecosystem processes and functions of a *special-status species*.

**BIO-2** A project may have a significant impact on *sensitive plant communities* if it would result in one or more of the following (see Section 6.4.2 for additional guidance):

- a. Change in density or intensity of land use and/or involves pre-construction or construction activities; demolition activities; operational activities; maintenance; decommissioning activities; grading, excavation, vegetation removal; discharge of pollutants into the environment; the placement of fill and/or other substrates,

structures, or other materials; and/or any disturbance of the substratum that would temporarily or permanently remove, or impact the health of *sensitive plant communities*.

- b. Impacts to the aquatic resources within the watershed that would substantially adversely affect the associated *sensitive plant communities* of a *water or wetland*, including any *locally important plant communities*.

**BIO-3** A project may have a significant impact on *waters and/or wetlands* if it would result in one or more of the following (see Section 6.4.3 for additional guidance):

- a. Change in density or intensity of land use that results in the degradation or removal of habitat, including, but is not limited to:
  - subdivisions (commencing with Government Code Section 66410), and any other division of land, including lot splits;
  - pre-construction, construction, operational, maintenance, demolition, decommissioning activities; or
  - grading, excavation, or vegetation removal;
- b. Discharge of pollutants into the environment;
- c. Placement of fill and/or other substrates, structures, or other materials that include any gaseous, liquid, solid, or thermal waste;
- d. Any disturbance of the substratum such as dredging, mining, or extraction of any materials;
- e. Substantial changes in the hydrological conditions associated with water quality, water quantity, water input, and/or intensity of use, or of access thereto; velocity, siltation and/or sediment (erosion), volume of flow, or runoff rate; and/or the obstruction or diversion of water flow; release of pollutants into the environment; or alteration of ambient water temperatures; or
- f. Disruptions to *water or wetland* ecosystems that would isolate or substantially interrupt the ecosystem function between the aquatic and the associated terrestrial habitats.

**BIO-4** A project may have a significant impact on a *habitat connectivity corridor* or the *landscape connectivity* for a native resident and/or migratory species and its habitat needed for reproduction if it would result in one or more of the following (see Section 6.4.4 for additional guidance):

- a. Substantially block, inhibit, impede, interfere, isolate, remove, and/or degrade a *habitat connectivity corridor* or *regional landscape linkage* within the project parcel and/or neighboring parcels, as well as the *Critical Wildlife Passage Area (CWPA)*, if applicable.
- b. Create physical barriers that substantially block and/or impede the movement, migration, or long-term *landscape connectivity* of the species.
- c. Intimidate the species due to a substantial increase in human and/or domestic animal access, noise, light, waste, wildlife attractants, or other *human-wildlife conflicts*, and/or the introduction of pests or exotic species that would substantially prevent, interfere, or alter the movements, and/or threaten the use of habitat needed for reproduction and survival.

- d. Substantially isolate or fragment species habitat and/or critical ecosystem processes such as, but not limited to, food webs (e.g., energy flow, decomposition, nutrient cycling), reproductive mechanisms, or ecological functions.

**BIO-5** A project may have a significant impact if it would conflict with one or more of the following plans, policies or ordinance provisions and result in a significant adverse environmental effect due to that conflict (see Section 6.4.5 for additional guidance):

- a. The biological resources protection policies or standards in the Ventura County General Plan, Non-Coastal Zoning Ordinance, and/or Coastal Zoning Ordinance; or
- b. An approved local, regional, or state habitat or community conservation plan.

### 6.3 PRELIMINARY ASSESSMENT

The *Lead Agency* shall determine whether project impacts may have a significant impact based on the thresholds of significance in Section 6.2 and identify project revisions and/or mitigation measures that would avoid or reduce any potentially significant impacts on biological resources. The preliminary assessment of the project shall be completed by the *Lead Agency* in consultation with its *qualified biologist* using available mapped biological resource data and aerial imagery (see Section 6.3.3) to determine whether the proposed project activities and uses have the potential to impact *sensitive biological resources* in the defined impact area.

If the *Lead Agency* determines, in consultation with its *qualified biologist*, based on the preliminary assessment, that there are no *sensitive biological resources* within the project's defined impact area (see Section 6.3.2) and/or the project activities (see Section 6.3.1) could not have a significant impact to the *sensitive biological resources* located in the defined impact area, then the project's impact will be less than significant and no additional assessment is required.

If the *Lead Agency* determines, in consultation with its *qualified biologist*, based on the preliminary assessment, that *sensitive biological resources* are present within the defined impact area, then the *Lead Agency* shall determine whether:

- a. The project clearly has no potential to impact biological resources;
- b. The project has the potential to impact biological resources but project revisions and/or mitigation measures can be adopted and implemented to avoid or reduce those impacts to a less than significant level without the need for an *ISBA*; or
- c. The project has the potential to impact biological resources and an *ISBA* is required to assess the impacts and identify project revisions and/or mitigation measures to avoid or reduce the impacts.

#### 6.3.1 Proposed Project Activities and Uses

Review the project's activities, uses and *development envelope*. The project description shall describe any changes in the density or intensity of land use, and/or pre-construction or construction activities; demolition activities; operational activities; maintenance; decommissioning activities; grading, excavation, vegetation removal; discharge of pollutants into the environment; the placement of fill and/or other substrates, structures, or other materials; and/or any disturbance of the substratum. Ensure that all plans accurately reflect the project description and the limits of the *development envelope* and verify actual conditions in the field. For proposed larger or long-term

construction projects (e.g., installation of utilities, public works improvement projects, subdivisions, etc.), or projects located in federally, state, or locally designated *sensitive biological resource* areas (e.g., CWPAs, USFWS critical habitat, *waters and/or wetlands*, etc.), the type of heavy or noisy equipment involved and a general timeline of the proposed development stages and activities shall also be provided.

### 6.3.2 Define the Impact Area

The project's impact area includes areas with biological resources that will be impacted by the project. See Section 1.4.3 for additional guidance on *direct impacts* and *indirect impacts*. Areas of *direct impact* include, but are not limited to, the *development envelope* and proposed activities such as vegetation trimming or removal, grading, and construction. *Indirect impacts* may extend beyond the *development envelope* or area of *direct impact*, and may include project-related changes to the environment such as light, noise, water, soil, or air pollution; habitat fragmentation and degradation of ecosystem processes; or increased *human-wildlife conflicts*. The extent of *indirect impacts* varies depending on the biological resources present in the surrounding area, the type of project proposed, level of development intensity, and the anticipated human activities resulting from the project.

Cumulative impacts consist of both *direct* and *indirect impacts* of the project in conjunction with impacts from past, present and reasonably foreseeable probable future projects. The extent of cumulative impacts may vary depending on the location of the project, type of biological resource being examined (e.g., species, plant community, habitat, watershed, *landscape connectivity*, *habitat connectivity corridor*, *regional landscape linkages*, policy conflicts), impact type, and County policies. The *Lead Agency* shall determine, in consultation with its *qualified biologist*, the extent of cumulative impacts based on these considerations.

A project would have a “cumulatively considerable” impact if the incremental impact of the project is significant when viewed in connection with the impacts of past, present, and reasonably foreseeable probable future projects. See Section 1.4.4 for additional guidance on cumulative impacts and further discussion in Section 6.4 for cumulative impacts on biological resources.

### 6.3.3 Preliminary Data Review

To determine whether a field survey or *ISBA* is necessary to evaluate the potential for biological impacts, the *Lead Agency* and its *qualified biologist* shall review aerial imagery and other relevant biological geographic information system (GIS) data layers such as, but not limited to, the California Department of Fish and Wildlife's (CDFW) Biogeographic Information Observation System (BIOS) and the California Natural Diversity Database (CNDDDB), the County's habitat connectivity data, and the *locally important species* lists maintained by the Ventura County Resource Management Agency (RMA) Planning Division. The Ventura County RMA Planning Division also maintains a list of databases and resources that can be used to review existing data.

The Ventura County RMA Planning Division administers the *locally important species* program. The RMA Planning Division provides United States Geological Survey (USGS) quadrangle maps of historic *locally important species* locations in Ventura County and additional life history information to help streamline data needs for applicants and consultants. Every three years, the RMA Planning Division solicits recommendations for additions to and removals from the *locally important species* lists from biologists with expertise regarding the biological resources of Ventura County (e.g., state and federal agencies, universities, *qualified biologists*) in accordance with the criteria for *locally important species*. The RMA Planning Division will circulate any proposed changes to the *locally important species* lists among a team of experienced botanists/biologists with the expertise and knowledge of

Ventura County's diverse flora and fauna, as well as to the public for review and comment. If evidence supports the changes to the lists, the lists will be updated accordingly.

Because biological resources are variable, dynamic, and adaptable, a site visit conducted by the *Lead Agency's qualified biologist* is often required during the preliminary assessment to determine the presence of *special-status species* that cannot be detected through aerial photos or other available spatial data sets. The preliminary assessment field survey shall be conducted in accordance with the *ISBA/CISBA* standards to closely investigate areas of potential biological sensitivity found from the data search and aerial photo interpretation.

### 6.3.4 ISBA Determinations

#### Projects in the Coastal Zone

Projects that are located within, partially within, or adjacent to the coastal zone are subject to the LCP policies on *ESHA* and other *sensitive biological resources*. The *Lead Agency* shall review Section 6.1.2 and determine, in consultation with its *qualified biologist*, whether further environmental review of *ESHA* and other *sensitive biological resources* within the coastal zone is warranted. If further environmental review is necessary, the biological resource assessment that is required is a *CISBA*. Standards for conducting a *CISBA* are found in Section 8178-2.2 of the Ventura County Coastal Zoning Ordinance.

#### Projects in the Non-Coastal Zone

For development located in the non-coastal zone, the *Lead Agency*, in consultation with its *qualified biologist*, shall determine whether an *ISBA* is required to evaluate potential impacts to biological resources.

Examples of project types that are not otherwise an exempt project pursuant to CEQA which may not require an *ISBA* may include, but are not limited to:

- Remodeling an existing structure that does not extend past the existing structure footprint.
- Additions to existing structures that are within a previously permitted graded pad area or, if there is no graded pad, an existing permitted developed/landscaped area, if additional fuel modification is not required and there is no new wildlife impermeable fencing.
- Demolition of an existing permitted structure and construction of a new structure within the same existing building pad area where no additional fuel modification is required and there is no new wildlife impermeable fencing.
- New structures and landscaping proposed within a permitted graded pad or, if there is no graded pad, a *development envelope*, authorized in a previously approved land use permit.
- Projects that occur in previously continuously disturbed developed areas, if additional vegetation removal is not required, there is no wildlife impermeable fencing, and the use would not impact surrounding natural areas.
- Projects on land consisting of non-native grasslands totaling less than one acre that are completely surrounded by existing urban development (such as urban infill lots).

If the project falls within any of the categories listed above, then the *Lead Agency* shall consult with its *qualified biologist* to verify that an *ISBA* would not be required, and to determine whether standard project conditions could be imposed on the project to avoid or reduce potential impacts to a less



than significant level without conducting an *ISBA*, such as a standard condition to protect nesting migratory birds that may occur within the defined impact area. If the project may adversely affect *sensitive biological resources*, then a *qualified biologist* retained by the project applicant shall prepare an *ISBA* to assess and recommend measures to mitigate the adverse impacts of the project. Refer to the “Standards for Initial Study Biological Assessments” document prepared by the Ventura County RMA Planning Division for guidance on conducting an *ISBA* and preparing an *ISBA* report (see Section 6.7).

### 6.4 PROJECT IMPACT ANALYSIS

The project impact analysis shall discuss, describe, and quantify each identified impact for every *sensitive biological resource* detected within the defined impact area. The discussion of each impact shall provide substantial evidence pursuant to State CEQA Guidelines Section 15384 which include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, to support the determination of significance (e.g., no impact, less than significant, less than significant with mitigation incorporated, potentially significant).

For oak woodlands, the publication “Oak Woodland Impact Decision Matrix” on the Ventura County RMA Planning Division website (see Section 6.7) can be used as a guidance document for determining whether a project’s impacts should be considered significant with regard to oak woodlands pursuant to PRC Section 21083.4.

If the *ISBA* finds potential impacts to any biological resources under the jurisdiction of federal, state, or other local agency the *Lead Agency* shall consult with the applicable agency regarding any additional protocol surveys, potential mitigation required, and additional permitting requirements. The extent of a project’s adverse impacts on a specific biological resource can vary greatly depending on, but not limited to the types of ecosystems present, the amount of historic and potential disturbance on and nearby the site, or the anticipated human activities resulting from the project. The following guidance shall be considered when determining the significance of impacts on *sensitive biological resources*:

#### 6.4.1 Species

The determination of whether a project’s impact is significant shall be based on both the current conservation status of the species affected and the severity or intensity of impact caused by the project.

A project may be considered to have a significant impact on a *special-status species* if it would result in one or more of the following:

- a. Injury, mortality, destruction, and/or the loss/degradation of the habitat of a *special-status species* as outlined in Threshold BIO-1.
- b. A substantial increase in *human-wildlife conflicts* resulting from construction, operational, and/or maintenance activities which would result in mortality and/or the reduced fitness of the affected species over time. Examples include, but are not limited to:
  - Loose or unsecured openings in structures which may lead to inadvertent trapping or harboring of wildlife.

- Inadequate staging, storage, or disposal areas for food, garbage, micro-trash, or other waste products.
- Use of rodenticides.
- Increases in human access, predation or competition from domestic animals, pests, or exotic species. This would also include proposed animal keeping activities without providing adequate protection from predatory wildlife that may result in the issuance of depredation permits for *special-status species*.
- Increases in noise and/or nighttime lighting to an excessive level above ambient levels.

### Cumulative Impacts for Special-Status Species

Determine the local population of each individual *special-status species* within the defined cumulative impact area by considering the range, sub-range, or population distribution for each *special-status species*. Summarize the impacts on the *special-status species* associated with other past, present, and reasonably foreseeable probable projects within the cumulative impact area.

### 6.4.2 Ecological Communities

The determination of whether a project's impact is significant shall be based on both the current conservation status of the plant community and the severity or intensity of impact caused by the project.

### Cumulative Impacts for Sensitive Plant Communities

The cumulative impacts on *sensitive plant communities* are dependent upon the type of plant community and the distribution of the plant community population. Ensure that the cumulative analysis for *sensitive plant communities* include recently approved, present, and reasonably foreseeable probable future projects that may impact the *sensitive plant community* that was evaluated for project impacts. If you require guidance regarding defining the cumulative impact area for *sensitive plant communities*, contact the appropriate regional staff person through the local CDFW Regional Office.

### 6.4.3 Waters and/or Wetlands

An analysis of potential project impacts on *waters and/or wetlands* shall examine the impacts to the entire *water and/or wetland* ecosystem. *Waters and/or wetlands* depend on a source of water, and therefore impacts to the quality, supply, flow rate, or timing of that water source can adversely impact both.

A project may be considered to have a significant impact on *waters and/or wetlands* if it would result in one or more of the following:

- a. Substantial disruptions to *waters and/or wetlands* and their associated plant communities that would substantially isolate or interrupt contiguous habitats, block seed dispersal routes, or increase vulnerability of *water and/or wetland* species to exotic weed invasion or local extirpation. An example would be the clearance or disruption of adjacent upland vegetation to a level that would adversely affect the ecological function of the *water and/or wetland* where such vegetation plays a critical role in supporting dependent wildlife species, or where such vegetation aids in stabilizing steep slopes adjacent to the *waters and/or wetlands*, which reduces erosion and sedimentation potential.



- b. Substantial interference with hydrological conditions in a *water and/or wetland*. Adverse hydrological changes may include altered freshwater input run-off quantity, quality, or velocity; drawing down of the groundwater table to the detriment of groundwater-dependent habitat; substantial increases in sedimentation; introduction of toxic elements; or alteration of ambient water temperature.
- c. Inadequate buffer for protecting the functions and values of existing *waters and/or wetlands*. The buffer is measured from the top-of-bank or edge of the *water and/or wetland* or its associated terrestrial vegetation, whichever is greater. General Plan Policy COS-1.11 requires a minimum buffer of 100 feet from a significant wetland habitat. In accordance with this policy, buffer areas may be increased or decreased upon an evaluation and recommendation by a *qualified biologist* based on factors that include soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of *endangered, rare, or threatened species*, impacts to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife.

### Cumulative Impacts for Waters and/or Wetlands

Due to the cumulative loss of *waters and/or wetlands* in the county and state, a significant project impact to *waters and/or wetlands* is also considered a cumulatively considerable impact. Such significant impacts to *water and/or wetland* habitats shall be avoided or mitigated to a less than significant level, if feasible, or to substantially lessen the project's significant impacts. In addition, according to General Plan Policy COS-1.11, discretionary development that would have a significant impact on a *water and/or wetland* habitat within a designated Existing Community may be approved in conjunction with the adoption of a statement of overriding considerations.

### 6.4.4 Landscape Connectivity

The *qualified biologist* must define the distinct geographical and temporal scales pursuant to General Plan Policy COS-1.4 that capture the project's *direct, indirect*, and cumulative impacts on *landscape connectivity* for the native and/or migratory representative species and their representative functional group that would impact their reproduction and survival within the *regional landscape linkage*.

The following impacts on the *landscape connectivity* of native and migratory species reproduction and survival may be considered potentially significant if it would result in one or more of the following:

- a. Substantially prevent, interfere, and/or endanger the reproduction, survival, and/or movement of affected native resident and/or migratory species in one or more of the following ways:
  - Create a barrier within a *habitat connectivity corridor, CWWA, or regional landscape linkage* that substantially blocks and/or impedes the movement, migration, and/or long-term *landscape connectivity* of the native resident and/or migratory species. Examples may include, but not limited to, development placed at or near a wildlife undercrossing structure that would impede wildlife movement through the structure; or unmitigated noise or lighting impacts that prevents or interferes with wildlife movement within a *CWWA*.

- Reduce and/or degrade the *landscape connectivity* of a *habitat patch*, *habitat connectivity corridor*, *CWPA*, or *regional landscape linkage* to less than the sufficient width, length, and/or size needed for the survival or reproduction of each species' functional group. The adequacy of the width, length, and/or size shall be based on the biological information collected during the data review for the *ISBA*.
  - Divert wildlife to use routes that endanger their survival. For example, constraining a *habitat connectivity feature* for mule deer or mountain lion to an area that is not well-vegetated or that runs along a road instead of through a stream corridor or along a ridgeline adjacent to the property.
  - Visual continuity (i.e., lines-of-sight) is not maintained across highly constrained *habitat connectivity corridor* features, such as a crossing structures and/or *stepping stones* for species relying on visual cues for movement.
  - Intimidation of a species and/or degradation of habitat due to impacts that include but are not limited to noise, light domestic animal access; fragmentation of *habitat patches*; competition for resources through the introduction of invasive /exotic species, waste, and other predator attractants.
- b. Sever, fragment, and/or inhibit the *landscape connectivity* for species to move between *core habitat areas*, *habitat connectivity corridors*, *CWPAs*, and/or *regional landscape linkages*.
- c. Increase the isolation and/or fragmentation of the species habitat and/or critical ecosystem processes such as food webs (energy flow, decomposition, nutrient cycling), reproductive mechanisms (productivity), ecological functions. An example of impacts on an ecological function subject to habitat fragmentation could include fragmentation or isolation of a rare plant population that is dependent upon a specific pollinator population.

### Cumulative Impacts for Landscape Connectivity

The incremental effects of a project on *landscape connectivity* are cumulatively considerable when viewed in conjunction with the effects of past, present, and reasonably foreseeable probable future projects.

For example, if a project would only partially constrict a *habitat connectivity corridor* at the watershed level, the project may not have a potentially significant impact on its own. However, when combined with other past, present, and reasonably foreseeable probable future projects that may have similar adverse impacts on nearby *habitat connectivity corridors*, the combined adverse effects may substantially interfere with the *landscape connectivity* associated with the larger *CWPA* or *regional landscape linkage*. In such a case, the project's impact on *landscape connectivity* would be cumulatively considerable.

### 6.4.5 Policy Conflicts

The following adopted County land use planning documents are associated with the protection of biological resources:

- Ventura County General Plan: Biological resource protection policies can be found throughout various elements of the General Plan such as Circulation, Transportation, and Mobility; Conservation and Open Space; Hazards and Safety; Land Use and Community Character; Public Facilities, Services, and Infrastructure; and Water Resources. See also the biological resource protection policies within each Area Plan.

- Ventura County Non-Coastal Zoning Ordinance: Includes policies and overlay zones intended to protect biological resources including the Habitat Connectivity and Wildlife Corridor Overlay Zone, *CWPAs*, wildlife crossing structures and setback areas, tree protection, and landscaping policies.
- Ventura County Coastal Zoning Ordinance: Includes policies for animal keeping, grading, tree protection, and landscaping related to biological resources protection. The ordinance also includes standards and procedures for the Santa Monica Mountains Overlay Zone, as well as policies related to *ESHA* and other biological resources.

### Cumulative Impacts for Policy Conflicts

See Section 6.3.2 and Section 1.4.4, for guidance on determining cumulative impacts.

If significant impacts resulting from a conflict with an ordinance are identified, feasible and enforceable mitigation measures shall be identified. Further analysis shall be addressed in an EIR if there is substantial evidence that a conflict with an ordinance would result in potentially significant impacts.

## 6.5 PROJECT REVISIONS AND/OR MITIGATION RECOMMENDATIONS

If the project would result in potentially significant impacts to biological resources, project revisions and/or mitigation measures shall be identified to address the impacts. Sufficient, detailed information shall be compiled for the record to justify the effectiveness of recommended project revisions and/or mitigation measures in accordance with CEQA.

The following mitigation requirements from General Plan Program COS-GG are incorporated in this document.

If a *sensitive biological resource* would be significantly impacted, then the *Lead Agency* shall require implementation of feasible mitigation measures at the project level that fully accounts for the adversely affected resource. To the maximum extent feasible, mitigation measures should adhere to the following priority to reduce adverse impacts: avoid impacts, minimize impacts, and compensate for impacts.

Mitigation measures shall be used on a project level basis and be tailored to on-site conditions and *sensitive biological resources* present as follows:

### 6.5.1 Priority 1: Avoid Impacts

The project shall be sited to avoid impacts on the resource and include measures such as implementing no-disturbance buffers (e.g., nesting bird buffer areas during construction, siting staging areas outside buffer area), or implementing project-specific design features such as clustering structures within a property to allow for areas of wildlife movement.

### 6.5.2 Priority 2: Minimize Impacts

The project shall reduce or eliminate the impact over time by preservation and maintenance operations during the life of the project.

Measures to mitigate the spread of invasive plant species and invasive wildlife species shall include, but will not be limited to, cleaning of equipment, footwear, and clothing before entering a

construction site and the identification and treatment of significant infestations of invasive plant species within a project site. An example of reducing the adverse impacts over time through maintenance operations would be a homeowners association maintaining signs and enforcing leash laws within conserved open space areas.

### 6.5.3 Priority 3: Compensate for Impacts

Equivalent compensation for the impact shall be done by replacing or providing substitute resources or by rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. Compensatory mitigation shall not be used to mitigate impacts that can be minimized or avoided.

Compensatory mitigation ratios for *sensitive biological resources* shall be established based on location, the rarity of the resource, quality of affected habitat associated with the resource, temporary and permanent losses to habitat function, the type of mitigation proposed (restoration, enhancement, preservation, establishment), and other requirements associated with state or federal permits. Mitigation ratios shall be determined at the project level in consultation with the *Lead Agency*, its *qualified biologist*, and, where applicable, federal or state agencies with jurisdiction over the resource. If impacts are significant, then the project shall be mitigated for the type of resource as follows:

- ***Endangered, rare, or threatened, or candidate species:*** The applicant shall obtain incidental take authorization from USFWS or CDFW prior to commencing development of the project site, apply minimization measures or other conditions required under the incidental take authorization, and shall provide equivalent compensation for the unavoidable losses of these resources, generally at a minimum ratio of 1:1 or greater. Compensation may include purchasing credits from a USFWS- or CDFW-approved mitigation bank or restoring or enhancing habitat within the project site or outside of the project site.
- ***Special-Status species:*** (includes *locally important species*) The applicant shall provide equivalent compensation for impacts on *special-status species* by restoring or significantly enhancing existing habitat where the species occurs, acquiring or protecting land that provides habitat function for the affected species that is at least equivalent to the habitat function removed or degraded as a result of the project.
- ***Federal or State protected sensitive habitats:*** Obtain the required regulatory authorization (e.g., Section 404 permits for impacts on waters of the United States, 401 water quality certification from the Regional Water Quality Control Board, a Streambed Alteration Agreement from CDFW), and provide equivalent compensation for the unavoidable losses of the above-mentioned resources such that there is *no net loss*.
- ***Waters and/or wetlands:*** In accordance with General Plan Program COS-B, provide restoration and/or replacement habitat as compensatory mitigation such that *no net loss* of *water and/or wetland* habitat results from the project. The restoration and/or replacement habitat shall be “in kind” (i.e., same type and acreage) and provide *water and/or wetland* habitat of comparable biological value. On-site restoration and/or replacement shall be preferred wherever possible. A habitat restoration and/or replacement plan to describe and implement such compensatory mitigation shall be developed in consultation with all agencies that have jurisdiction over the resource.
- ***Other protected sensitive habitats:*** (includes *locally important plant communities, sensitive plant communities, habitat connectivity corridors, regional landscape linkages,*

native wildlife nursery<sup>5</sup> or overwintering sites<sup>6</sup>) Provide equivalent compensation for other protected sensitive habitats which may include the restoration, enhancement, or preservation of the aforementioned habitats within or outside of the project site, or the purchasing of credits at an existing mitigation bank or in lieu fee program deemed acceptable by the *Lead Agency*.

All compensatory mitigation sites shall be protected in perpetuity through a *conservation easement* (if off-site), or other comparable *conservation instrument* if on-site. For any off-site compensatory mitigation sites (except CDFW-approved mitigation banks), a site-specific report shall be prepared by a *qualified biologist* that includes a description and map of all the biological resources and other notable natural features on the mitigation site.

The following criteria shall be used to facilitate adjustments to the mitigation ratio. The final mitigation ratio cannot be reduced to less than 1:1. The impact analysis shall provide a rationale for the proposed mitigation ratio supported by substantial evidence.

**Table 6-1: Compensatory Mitigation Ratio Adjustment Criteria**

Factor	Measure	Adjustment Criteria
<b>Rarity of the Resource</b>	Type of Habitat	Whether the impacted habitat is a <i>sensitive plant community</i> (with a CNDDDB ranking of S1-S3 or G1-G3, oak woodlands pursuant to PRC Section 21083.4), <i>habitat patch</i> ; <i>habitat connectivity corridor</i> feature; surface water feature as defined in the Ventura County Non-Coastal Zoning Ordinance; <i>locally important plant community</i> ; or <i>locally important species</i> .
		Whether the impacted habitat supports a federally or state listed <i>endangered, rare, or threatened species, candidate species, fully protected species</i> ; or whether the habitat is a designated USFWS critical habitat for <i>endangered, rare, or threatened species</i> .
	<i>Habitat Connectivity Corridors</i>	Whether the impact area is located within the Habitat Connectivity and Wildlife Corridors Overlay Zone as defined in Section 8104-7.7 and Section 8109-4.8 of the Ventura County Non-Coastal Zoning Ordinance.
		Whether the impact area is located within the <i>CWPA</i> .

<sup>5</sup>A native wildlife nursery is a site where native wildlife hatch, birth, care for and/or raise young.

<sup>6</sup>An overwintering site, also referred to as overwintering habitat, supports short- to long-range migratory wildlife during the fall or winter months. The habitat provides shelter from weather, food, places to rest or hibernate. Examples include but are not limited to hibernation sites for bats, reptiles or amphibians; winter feeding and roosting areas for raptors or wild turkey; butterfly migratory roosting sites; overwintering habitat for bees; or mast producing areas (edible seeds and fruit) that support various wildlife.

Factor	Measure	Adjustment Criteria
<b>Quality of Impacted Habitat</b>	Fragmentation	Whether the defined impact area is adjacent to a protected area <sup>1</sup> ; whether the mitigation site is adjacent to a protected area; or whether the mitigation site is in a different watershed (USGS Hydrological Unit 10 or less) than the impact area.
	Native Plant and Animal Species Diversity	Whether the diversity of native plant and animal species are lower at the mitigation site than the defined impact area. <sup>2</sup>
<b>Temporal Impacts</b>	Temporary Impacts	Restoration/enhancement activities would be completed within two years of the project commencement date.
		Restoration/enhancement activities would be completed two to five years after the project commencement date.
	Long-term Impacts	Restoration/enhancement activities would be completed five years or more after the project commencement date.
	Permanent Impacts	Whether habitat is permanently removed or significantly degraded.
<b>Type of Mitigation Proposed</b>	Preservation	Whether existing habitat is preserved in perpetuity off-site.
	Restoration/Enhancement	Whether restoration or enhancement mitigation is used on or off-site.

**Notes:**

1. A “protected habitat area” is a habitat or open space area that is protected by a local, state, or federal government agency, or other conservation organization as defined in the Ventura County Coastal Zoning Ordinance; or a habitat or open space area that must be primarily maintained in a natural state pursuant to a binding condition of approval of a subdivision approval or other land use entitlement, which contains intact native vegetation that is at least 400 feet wide and up to 500 feet long. In these circumstances, wildlife should be able to move from the mitigation site to the protected habitat area without encountering a major barrier (e.g., high-traffic road without wildlife-safe crossings, large facilities, etc.). An exception to this requirement may be allowed if the site contains one of the following: a *sensitive biological resource* that can persist in isolation (e.g., narrow endemic species or unique habitats such as vernal pools); or a habitat that functions as a *stepping stone* for *special-status species* between protected areas.
2. Refer to the Areas of Conservation Emphasis data provided by the CDFW as a coarse scoping tool (see Section 6.7).

The additional guidance below should be considered when developing mitigation measures:

- Identify requirements for monitoring and reporting for mitigation measures.



- Consider a range of possibilities, including, but not limited to, avoidance, wildlife permeable fencing, *conservation easements*, *conservation instruments*, clustering, compact design and development standards, and off-site mitigation.
- Any proposed mitigation areas should be mapped where applicable, including areas to be avoided and areas to be restored or protected.
- Should a *conservation instrument* or *conservation easement* be used to mitigate impacts, such a *conservation instrument* or *conservation easement* should encompass the location of the sensitive resource and a buffer area, as recommended by a *qualified biologist* and determined to be adequate by the *Lead Agency*, to ensure protection from impacts of the project.
- For projects subject to the Ojai Valley Area Plan, mitigation should adhere to policy OV-36.5 in the Ojai Valley Area Plan related to compensatory mitigation for impacts to *locally important plant communities*.

For each identified potentially significant impact, explicitly state whether the proposed project revisions and/or mitigation measures would reduce the impacts to a less than significant level. If the project revisions and/or mitigation measures would not reduce the impact to a less than significant level, an EIR shall be prepared.

For each mitigation measure, include a discussion of the goal of the measure, a description of the mitigation action, any monitoring or timing that is relevant, and the standard of success for the measure.

The formulation of mitigation cannot be deferred to some future time. A future study can only be called for as a mitigation measure if it addresses all the possible outcomes of the future study and outlines specific performance measures for each outcome that will reduce any potential impacts to less than significant. Such a mitigation measure shall be accompanied by a commitment by the applicant and the *Lead Agency* to implement all the possible scenarios.

## 6.6 AGENCY REVIEWS OF ENVIRONMENTAL DOCUMENTS

Draft MNDs and EIRs that indicate potentially significant impacts to biological resources shall be sent to CDFW, USFWS, the National Audubon Society, and the California Native Plant Society. The National Park Service shall be sent such documents when the projects are within the Santa Monica Mountains or within boundaries of the Oak Park Area Plan.

## 6.7 RESOURCES & REFERENCES

Source	Managing Agency/Organization	Online Access
<b>Resources</b>		
Ventura County CEQA Implementation Manual	Ventura County Resource Management Agency (RMA) Planning Division	PDF   Website
Ventura County Initial Study Assessment Guidelines, Introduction	Ventura County RMA Planning Division	PDF   Website

## Ventura County Initial Study Assessment Guidelines

Source	Managing Agency/Organization	Online Access
Ventura County Initial Study Checklist Template	Ventura County RMA Planning Division	PDF   Website
<b>References</b>		
Areas of Conservation Emphasis (ACE)	California Department of Fish and Wildlife (CDFW)	<a href="#">Website</a>
California Biogeographic Information and Observation System (BIOS)	CDFW	<a href="#">Website</a>
California Candidate Species	CDFW	<a href="#">Website</a>
California Natural Communities	CDFW	<a href="#">Website</a>
California Natural Diversity Database (CNDDDB)	CDFW	<a href="#">Website</a>
California Threatened and Endangered Species (includes Fully Protected Species)	CDFW	<a href="#">Website</a>
California Vegetation Classification and Mapping Program (VegCAMP)	CDFW	<a href="#">Website</a>
Federally Designated Candidate Species	US Fish and Wildlife Service (USFWS)	<a href="#">Website</a>
Federally Designated Critical Habitat Designated	USFWS	<a href="#">Website</a>
Federally Designated Endangered, Rare, or Threatened Species	USFWS	<a href="#">Website</a>
Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants	USFWS	<a href="#">Website</a>
Guidelines for Mapping Sensitive Natural Communities	California Native Plant Society (CNPS)	<a href="#">PDF</a>   <a href="#">Website</a>
Manual of California Vegetation	CNPS	<a href="#">Website</a>
Oak Woodland Impact Decision Matrix	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>
Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities	CDFW	<a href="#">PDF</a>   <a href="#">Website</a>
South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection	SC Wildlands	<a href="#">PDF</a>   <a href="#">Website</a>
Survey of California Vegetation Classification and Mapping Standards	CDFW	<a href="#">PDF</a>   <a href="#">Website</a>
Ventura County Biological Resource Program	Ventura County RMA Planning Division	<a href="#">Website</a>

## Ventura County Initial Study Assessment Guidelines

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Source	Managing Agency/Organization	Online Access
Ventura County Coastal Zoning Ordinance	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>
County View	Ventura County Geographic Information Systems	<a href="#">Website</a>
Ventura County Critical Wildlife Passage Areas	Ventura County RMA Planning Division	<a href="#">Website</a>
Ventura County General Plan, Conservation and Open Space Element	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>
Ventura County Habitat Connectivity and Wildlife Corridor	Ventura County RMA Planning Division	<a href="#">Website</a>
Ventura County Local Coastal Program	Ventura County RMA Planning Division	<a href="#">Website</a>
Ventura County Locally Important Species Program	Ventura County RMA Planning Division	<a href="#">Website</a>
Ventura County Non-Coastal Zoning Ordinance	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>
Ventura County Ojai Valley Area Plan	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>
Ventura County Standards for Initial Study Biological Assessments	Ventura County RMA Planning Division	<a href="#">PDF</a>   <a href="#">Website</a>